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SPEECH OF HON. R. M. T. HUNTER,

OF VIRGINIA,

In the United States Senate, on Thursday, July 18, 1850, on the admission of California into the Union, the establishment of Territorial Governments for Utah and New Mexico, and making proposals to Texas for the settlement of her northern and western boundaries—

Mr. HUNTER said: I have never in my life risen to speak with more reluctance than I do at this time. I know that the Senate is weary of this debate. I know that the country is anxious that we should come to some decision upon these questions. For one, I would have been willing at any time to forego, and I would be willing now to forego, the privilege of speaking, if by so doing we could come to a test question on the bill. But, sir, knowing that to be impracticable, and feeling that I shall have to incur some responsibility, perhaps a deep responsibility, in the vote which I shall give, I trust the Senate will pardon me for desiring an opportunity to present a vindication of my actions to my constituents.

Sir, this bill comes before us under high and imposing sanctions. Its author is the distinguished Senator from Kentucky, (Mr. CLAY.) It is endorsed by a majority of thirteen Senators, who have been selected for the special consideration of these questions. We are exhorted to support it by considerations no less sacred than those of union and peace. We are told that if we pass it we shall heal the bleeding wounds of the country, that we shall restore peace and harmony to a distracted and a divided people. And, sir, if I believed, as the friends of the bill believe, that it would have that effect, I should regard it with very different feelings than those which I now entertain in relation to it. Peace! sir; peace permanent, honorable to every section of this Confederacy! There is nothing, there is scarce-

ly any thing that I would not sacrifice to attain such an object as that. But I have studied this bill attentively, and I have reached the conclusion that it will not attain the ends that its friends seem to hope from its passage. I believe, sir, that if we pass this bill we shall send not peace but the sword through this land of ours; that we shall not shut but open the gates of the temple of war. And when I speak of the sword and of war, I speak not of physical but of moral force, and with reference to the agitation which is disturbing and dividing and distracting the land. I believe that it will tend to these results, because it seems to me that it is beginning at the wrong end, and that we are reversing the process which it is proper to pursue in order to quiet the agitation and settle the differences of the country. I believe that this bill proposes the surrender of right and political power on the part of the South, and that, I will not say its intention, but its end and effect will be to make the weak weaker and the strong stronger of the two contending elements in our system. I do not think we can ever obtain peace, unless we so distribute the strength of those antagonistic interests that they shall have the power to defend their rights, and power enough to make it more dangerous than profitable to attack each other. Whenever a manifest and dangerous invasion of right is made on the part of one or the other, there ought to be power enough in those who are attacked to make it dangerous and disagreeable to the assailant. Now, if I were called upon to devise a measure calculated to obtain peace and settle the agitation of the country, I would pursue a course which should strengthen the weak, and which, in such a contest, would weaken the strong. Above all, I would not take from the weak any portion of that political power which the Consti-

tution designed that they should enjoy ; but, on the contrary, I would do all which the Constitution afforded me the means of doing, to give to every section of this Confederacy the power to defend their rights. A system of surrender by the weak can never give peace. The strong may surrender with impunity, because the precedent can never operate with effect against them, as they have always strength enough to prevent its repetition whenever it may be necessary to do so ; but experience shows that the weak never surrender without beginning the race which ends in the prostration of all their interests and the sacrifice of their rights. If the weak surrender rights to-day, it becomes almost impossible for them to resist when another demand is made upon them to-morrow, because on to-morrow there will be not only the same physical force which drives them before it to-day, but, in addition to that, there will be the moral force of the precedent which they themselves have established. The weak never can surrender right with impunity in contests with the strong ; and I believe that, whoever reckons upon producing peace and settling agitation by any such system as this, is destined to be entirely and cruelly disappointed.

Sir, we are not without some warnings and some teachings in relation to this matter from actual experience, and whoever will look at our past history will find that the surrender which the South makes to-day, and which to-day is considered by her sons as the extreme of concession, and amounting almost to submission, will be considered as an extreme and unreasonable demand if made by her a few years hence. Why, sir, have we not seen this in our past history ? You, Mr. President, will recollect the history of the Missouri Compromise ; you know that in many portions of the South it was regarded as the extreme of concession, as amounting almost to submission ; you know that it was regarded as the last inch to which the South could retreat at that time, and it was supposed that nothing more could ever be asked of her. But now, when scarcely thirty years have rolled over our heads, we find that if the South makes such a demand as that, it is denounced traitorous, and as proceeding from a wish for agitation, and a desire to destroy the Confederacy ; it is scouted at as impracticable and impossible,

and the men are almost sought to be put to public shame who ask now what the South considered as the extreme of concession, and felt almost humiliation to grant, in 1820.

But, Mr. President, I need not go back so far as that for an example, in relation to this matter of surrender of right and power on the part of the South. At the commencement of this session we know that the Senator from Kentucky (Mr. Clay) introduced certain resolutions, and those resolutions upon their appearance were immediately and utterly denounced by Southern Senators. They would not even allow a distinguished Senator from Kentucky the grace of naming a day when his resolutions should be considered and debated ; on the contrary they were denounced on the spot ; denounced fiercely and violently, and, if I mistake not, the Southern press responded to this denunciation in one voice of universal accord, and yet, in a few months after, a select committee is raised and a proposition is reported which I think I can show, in whatever respect it differs from those resolutions, to be worse for the South than the scheme contained in them. But what is now said of the men who oppose a scheme worse even than that which was so much denounced but a short while ago ? Why, sir, they are accused of being in favor of disunion ; it is treated almost as evidence of treason that they should oppose it ; it is considered giving conclusive testimony of a disposition for strife, and a desire for agitation, that they refuse to support a scheme worse, I think, than the resolutions which I have just mentioned. Shall be able to show, than the resolutions that were so much denounced. Sir, let me compare these resolutions with the scheme of the committee. The resolutions proposed in the first place, that they would abolish what is called the slave-trade in the District of Columbia ; that slaves should not be brought into the District for sale, or for transportation to other markets, and that the depots for that purpose should be abolished. The scheme of the committee proposes not only that you shall not put slaves in depot here for sale, but that you shall not deposite them even for any purposes of transportation, and, to understand it, if you have a fugitive slave bringing him from the State to which he has fled, you could not deposite him here for safe keeping, if this proposition should be adopted, you could not, if travelling through the

strict with slaves, moving to some other State, deposite them here. And yet, sir, the decision of the Supreme Court is explicit that you have a right to carry slaves and to be protected in your property through free States, to some other slave State. So that, in this respect, it seems to me clear that the proposition of the committee is worse than the resolutions of the Senator from Kentucky.— Then, sir, the resolutions of the Senator from Kentucky promised some “more effectual” fugitive slave law, and the inference was that it was to be something better than any law that had ever existed on the subject, or as yet been proposed. What has been the result? Why, certain amendments have been proposed by this committee, and all that can be said of them is, that it makes the bill no worse than it was before, provided you consider one of its provisions as cumulative. I mean that in relation to the record; but if, on the contrary, you consider it as making this evidence necessary, then we all know and feel that it would be an obstruction in the way of the recovery of fugitive slaves, because before the master could go through the tedious process of obtaining the record and evidence from the court, the slave would have fled beyond the reach of his pursuit. In that respect too, then, the scheme of the committee is, in my opinion, worse than the resolutions of the Senator from Kentucky.

Mr. FOOTE called Mr. H. to order, and the President decided the line of remark which Mr. H. was pursuing, to be out of order.

Mr. President, I will pass from the subject which you have decided it to be out of order to discuss, although in discussing it I was following an example set by so many others who have preceded me, and pursue a line of remark which I believe to be strictly in order. I may surely compare the bill under consideration with the resolutions of which I have been speaking, in order to show the fearful proclivity with which we are proceeding in the downward race of concession and submission. The resolutions of the Senator from Kentucky proposed to admit California “with suitable boundaries,” and thus justified a hope that the proposed limits for the new State would be curtailed, if those resolutions were to be taken as the basis of our action. But the bill before us gives to Cal-

ifornia the whole extent of territory which she claims. In this respect, then, the bill is worse than the resolutions. The latter proposed to buy only as much from Texas as she claimed from New Mexico, but this bill contemplates the purchase not only of this, but of much more, which indisputably belongs to Texas, and thus enlarges the territory to be withdrawn from the jurisdiction of a slave State. In this respect, then, the scheme of the bill is worse, and much worse than that of the resolutions. So far as the Territories of Utah and New Mexico are concerned, both the bill and the resolutions propose to give them governments, and say nothing of slavery in the fundamental law which establishes them. But here a preference is claimed for the bill, over the resolutions, because it does not contain the assertion to be found in the resolutions that “slavery does not exist by law, and is not likely to be introduced into any of the territory acquired by the United States of Mexico;” but I think it can be shown that here there even is little or nothing to choose between the two. If the bill contains no such assertion, the report does contain something very like it. The reason given in the resolutions for not introducing the Wilmot Proviso is, that it is unnecessary, on account of the existing law and physical causes. But does not the report excuse the omission of the proviso, on the ground that it is unnecessary, and does it not refer to the experience of California, in which these causes were supposed by its author to operate as proof of the assertion? What gives emphasis to the inference that the proviso was only admitted because unnecessary, is the fact that whenever the South was supposed to have rights arising either from the Constitution or from compact, those rights were enforced, and their foundations demonstrated. In relation to the recapture of fugitive slaves, the abolition of slavery in the District, without the consent of the adjoining States and without compensation, the division of Texas into four States, and their admission hereafter, with or without slavery, according to their own choice, the rights of the South were distinctly stated and enforced; but when the settlement of the vacant territory was discussed, nothing was said of the right of the South to share in its enjoyment, nothing in the repudiation of the power of Congress to exclude slavery by legislation; on the con-

rary, the omission to recommend the proviso seems to have been excused on the ground that it was unnecessary. The almost irresistible inference from that report, as it seems to me, is, that the proviso would have been recommended had it been necessary for the exclusion of slavery; but we are told that the report is no part of the bill, and that we vote for the last and not the first. But it is true that the report is not to be considered along with the bill, in estimating the moral force of the precedent to be established by the passage of this bill? Is it not a rule in the Attorney General's office to consider a report in construing and interpreting a law which it recommended? In estimating the moral influence of the passage of this measure, a measure so entirely political in its character, is there any inquirer who would not turn to the report as one of the sources of explanation as to its objects and motives? The friends of this measure must thus esteem it, for they refer to its recommendations as to Texas, as one of the advantages conferred on the South; but nothing is proposed to be done as to this matter; the only benefit which it confers, is the moral force of an expression of opinion on the part of the majority of the committee. If the moral force of an expression of opinion be good for us, it must also be good against us, and if I am right in these conclusions, there is no one respect in which the compromise is better than that of the resolutions, whilst in some important particulars it is worse.

But we are told that it is a compromise, and will give peace. It is, I fear, like some other compromises which we have made, a surrender of right on the part of the South, and will lead probably to the same or a worse conclusion. We were to have peace and harmony on the passage of the Missouri Compromise. Under that hope, and from a sense of honor, the South has adhered to it since, but what sort of peace did it procure for us. Scarcely a dozen years elapsed before "the run of anti-slavery petitions commenced, and thus began the war whose object it is, we are told, to denationalize the institution of slavery—that is, to place it without the pale of the Constitution, and beyond the protection of the General Government. Mr. President, we all remember the scenes and excitement to which this warfare gave rise. The South insisted that these petitions should not be countenanced, en-

couraged, or even considered. The agitation to which they led endangered Southern property and life, and accordingly the House of Representatives adopted a rule excluding abolition petitions. But we were soon advised to consent to the repeal of that rule; we were told that it furnished fuel to the flame of anti-slavery agitation, and aliment to those who fanned it into fury. Abolish this rule, and we were told that they could have no means of inflaming the public mind in the North, but must perish from a want of the means of existence. The rule was repealed—that compromise made. And what is the condition in which the country is now placed? Has it given us peace, or the appearance of peace, or, on the contrary, has it not encouraged the anti-slavery spirit and made it more presumptuous? Formerly when these abolition petitions and papers were presented, the question in debate was whether we should consider them. Now the question is, whether we shall act upon them, and how we shall act upon them. Let the present condition of our legislation testify as to the fact of the peace which such a compromise has given us. And who shall tell me, after these warnings from history, that the adoption of this compromise, by a surrender of power and the rights of the South, will give us peace, and that it will not, on the contrary, lead to new and more extravagant demands. I have said that this proposition was, in my opinion, one of surrender of right and power on the part of the South. Certainly such a surrender, if tested by what the South have hitherto claimed; and to sustain that point I wish to show what the South has hitherto claimed, what has been her standard in relation to our own rights, and to compare that standard with what it is proposed she shall accept. The South has claimed, in relation to the common territories of the United States, that all the States of the Union are tenants in common; that it is a common property, and that each and all have a right to settle with their property, of every description, on all the vacant territory of the United States. That is the position which they have taken, and I do not stand here to argue it; it has been argued often, and argued too with more ability than I can bring to the task. That is her position, and what follows from it? If these be her rights, it follows conclusively that she is either entitled to a partition and division of the

territories, or else to the social possession and enjoyment of all. That is the rule of tenantry in common; it is the rule of justice and of common sense, and it is the rule which history will show the South herself has even applied to the case. She has offered to settle the difficulties of this sort in both modes. First, she agreed that all differences should be settled by a division of the territory, as in the case of the Missouri Compromise. There the rule worked against her, and territory covered by pro-slavery laws was given up to the non-slaveholding States, and she was excluded. But she adhered to the bond—she made no resistance to government for territories north of that line whose fundamental law excluded slavery. She adhered to that compromise in the Texas annexation, she offered to adhere to it in the Oregon bill, and it was moved, and I believe all the Southern Senators except one voted for the Missouri Compromise, to be applied in the same sense and meaning in which it was originally adopted, meaning thereby that slavery was to be recognized south of that line and prohibited north of it. Indeed it may be said that the South ever since 1820 have shown a willingness to abide by the principle of a division of the territory; their representatives have voted for it whenever it was presented. Sir, I believe that a majority of the South would be quieted and content with the adoption of that principle now; and when I say that principle, I mean it in the letter but in the spirit of the Missouri Compromise. But that is not the only mode in which they have agreed to settle the difficulty.

They once proposed to settle on the principle of the social possession of the territory: in the principle that each should enjoy all or that was the principle, if I understand it. What was called the Clayton compromise bill. When the territories were first acquired, and neither section had the start of the other, it was proposed to establish territorial governments, and to establish the constitution of the United States by express enactment in the territories, in order to exclude the idea that the Constitution did not go there. And more; the bill required the protection of property in slaves, if the courts should decide that it existed. This implication, I think, is conclusive and necessary, when we look at the history of the legislation upon the bill. As it came in originally, it required the Territorial government to pass "no law respecting African slavery." That clause was afterwards stricken out, and in its place a provision was substituted, that they should pass no law prohibiting or establishing African slavery. What other inference could be drawn from that course of legislation, except that they were to protect property in slaves, in the event the courts decided that such property existed there? The very course of legislation in relation to it demonstrated that this was the intention of the bill, and it has been so construed. If that bill failed in any respect to provide for the social possession of the country by all the States of the Union, on the principle that each should enjoy all, it was in not providing by an express declaration that the Mexican law did not exist there. It was not asked for, because most Southern men believed that the Constitution was superior to the Mexican law, and repealed and put it aside; it was not asked for, because it was supposed that the courts would respect our rights; but I believe that, if it had been, the demand would have been nothing more than what is right and just; that is, assuming that all the States are tenants in common, and each ought to enjoy all, or else have a fair division of the territory. If this be so, then whatever legal obstacles may exist in relation to the enjoyment of this right, ought to be removed by Government. This, however, all depends, on the truth of the proposition which I have stated as to the right of the States in this respect; but, if it be true, the conclusion which I have drawn seems to follow inevitably. In relation to this Clayton compromise, I think I may hazard two, and perhaps three propositions, without fear of contradiction. In the first place, I hazard this affirmation: that if that bill had proposed to take in all the territory included within the limits of California, and apply the Wilmot Proviso to it, and then to extend the Clayton compromise over the residue, no Southern man would have voted for it. I think I am not mistaken in that. And I will now hazard another proposition. If the Southern men had believed that the Mexican law existed in the territory, and was not repealed by the Constitution after its acquisition, I think that none of them would have voted for the bill without a provision to re-

peal that law, because, if Congress had no right to interfere by legislation to shut us out, would it not be absurd to say that it had no right to prevent the laws of a foreign and conquered nation from excluding us? If I am right in this, there is perhaps another proposition which I might also hazard, though, possibly, with more risk of contradiction.

We of the South believe that the Mexican law was repealed by the acquisition of the territory, but if we had believed that the threats and declarations of the supremacy of the Mexican law, made by so many distinguished jurists, would operate to prevent the holders of slaves—and all property holders are timid—from going with their property into the newly-acquired territories, under the apprehension, in the unsettled state of the question, that they would thereby hazard their property—I say, if Southern men had seen that such would be the effect, I am inclined to think they would certainly have demanded a declaratory act saying that the Mexican law was not in force. And they would have done so strictly in accordance with the principle of non-intervention, as I understand that principle, and in the only sense in which I can accord and accede to it. That doctrine, if I understand it, is one which proposes to leave the question of slavery or no slavery in the territories to be determined by soil and climate—leaving it to nature while they exist as territories, and to the people when they come in as States, to determine the character of their institutions in this respect. That I understand to be the non-intervention principle. Well, if soil and climate are to decide, then it follows that Congress cannot interfere by legislation to establish or prohibit it. Not only the legislation of Congress cannot do that, but the Mexican legislation cannot do it, because, if the Mexican law intervened, the question would be determined by it, and not by soil and climate. This was the doctrine of non-intervention proposed in the Clayton compromise bill, which neither established nor prohibited slavery; but clearly implied a duty, as I have endeavored to show, on the part of the Territorial Government, to protect such property, if decided by the courts to exist. I know it is said that in maintaining the obligation to protect property you admit the right to destroy it. But I utterly repudiate and deny such a conclusion. On the

contrary, the establishment of this proposition would lead to the very opposite inference. Who does not see that, if I establish the obligation of the Government to protect my property, I deny its right to destroy and confiscate it? So far from admitting the right to destroy, I deny it in the strongest possible form, when I show its obligation to protect it. My State Government is bound to protect my liberty, and when I show that, do I admit that it can enslave me without cause? It is bound also to protect my property, and when I show that, do I admit that it can seize and confiscate my property, without compensation to me for it? The United States Government is bound to protect the property in the slave on the high seas under the United States flag; and in asserting that duty on its part, do I admit it has a right to confiscate such property at discretion? And so, in my opinion, it is bound to protect it in the territories, as much as on the high seas on shipboard, and under the American flag? But that is a sort of episode, and I will return to the first proposition, which is that by which I propose to test the bill under consideration.

I said that at the time the Clayton compromise bill was proposed, if it had provided to cover all the territory included within the proposed limits of California with the Wilmo Proviso, I believed that not a Southern man would have voted for it. But, suppose I show that, by the action of this Government, direct or indirect, this territory has been placed under the operation of the anti-slavery proviso, do I not make out the case in relation to this bill, which would have condemned it in the South with the sentiments which existed there during the perjury of the Clayton compromise bill! And can I not make good this proposition? I think I can show that this constitution of California was unquestionably produced by the action of this Government in its various departments. First, by the omission of Congress to provide Territorial Government when it ought, and which would have enabled us to try our right to settle with slavery in the country; and next, by the action of positive interference of the Executive. I know that Congress refused to pass bills which, in my opinion, were concessions and compromises from the South. Congress refused to pass the Clayton bill. Some

Southern men, it is true, voted against it, but a large majority voted for it. It refused also to pass the proposition of the Senator from Wisconsin, (Mr. Walker,) most of the Southern men voting for it. Thus no Territorial Governments were established, threats of the existence of the Mexican law was thrown out, and the slaveholder was deterred from carrying his slaves to California. But to make the work of our exclusion perfectly certain, the Executive here intervened, and pursued a system of measures which, however intended, had the effect of shutting us out of the country entirely. Sir, I wish, and I mean to tread lightly on the ashes of the dead, but a sense of duty compels me here to speak to a point, a reference to which is necessary for the sake of historical truth, and I shall speak not in the spirit of unfriendly but historical criticism. I believe the late Executive was governed always by patriotic motives; but he might err, and in this instance I think he did err most grossly, and to the great injury and loss of the South. I do not impute to him the design, but if such were the consequences of his action I am bound to refer to them. I cannot make good my position, nor vindicate myself, without looking to the course of action which was pursued in relation to that territory. I say, then, that the Executive also interfered and pursued a system of measures which not only violated the Constitution of the United States, but led inevitably to the formation of the present California constitution, and to the introduction of the anti-slavery clause which it contains. There was no law of Congress which authorized the people of California to assemble in convention; there was no previous action even of the people of the territory calling a convention, or expressing a wish for one; but the convention was called into existence upon the invitation of the Executive of the United States. The military Governor undertook to distribute power in the territory—he undertook to prescribe the qualifications of voters, and to say what safeguards were to secure the purity of the ballot box—in a word, he undertook to control this whole matter. When that convention met, a thing occurred which, I suppose, is unprecedented in the history of representative bodies. The convention, finding that it was not strong enough, or not satisfied

with the distribution of power, voted to take in not only those who were elected, but those who were not elected; and I believe it will turn out, on examination, that as many, or more perhaps, of its members were not elected than those who were. Persons who received a certain number of votes are said to have been admitted there, and when the convention was thus filled in this anomalous mode, it had the assistance to its deliberations of an Executive agent. The Executive sent out a member of Congress while he was a member of Congress, and paid him out of the treasury without authority of law. He thus conferred an important office on a member of Congress during the recess. And to what abuses may such a system lead? If during the recess of Congress the President may appoint a member to an honorable and agreeable mission, how long can we expect, when such offices become profitable and numerous, and far more so in proportion to the number of its members than now, that the independence of Congress will exist? And this agent, so paid and sent out, undertook to advise this convention in relation to their functions, as it appears from the statement of one of the members. He advised them to settle as much of this question as possible—to cover by their laws not only that portion of the Territory which was settled, and perhaps in numbers sufficient to justify the forming of a State, but to extend their action over territory comparatively vacant, and thus settle this difference. The Congress of the United States were incapable of acting upon the matter, and it was for this convention or of California to relieve them from their difficulties. And this very assembly was paid by the Executive out of the treasury of the United States, without authority or warrant of law, and was thus dependent on him, whose agent was thus advising it, for their per diem and the means of support during its session. It resulted from all this, that it was bound to adopt an anti-slavery constitution, and could adopt no other, anxious as they were to come in, and knowing that in order to do so they must offer some tempting bait to the majority here. They were aware too, that this majority was anti-slavery in its sentiments, and that the most tempting bait which they could offer was an anti-slavery provision in their constitution, and they

knew, in point of fact, that if they permitted slavery they could never be admitted; for who believes that they would have received twenty votes for admission if they had come here with a provision permitting slavery in a constitution made under such circumstances as those under which this one was formed? But this constitution, if it may be so called was submitted, to the people and received something like thirteen thousand votes. Now it is well known that in a population like that of California, where the men number more than all the women and children put together, this would not represent so many as thirty thousand people. Yet, if they had enough to have entitled them to elect a member of the House of Representatives according to the present ratio, they must have had at least seventy thousand people, of whom thirty thousand constitute a minority. That constitution, then, did not receive the votes of a majority of the people. If that be so, it cannot be said to have even the sanction of the people of California, but is, in every sense of the term, a child of Executive creation. I refer to this last fact, Mr. President, not as a violation of the Constitution, but as evidence to show that this constitution, formed without the sanction of law, has not been helped, as some suppose, to a legal existence by the consent of a majority of the people of California.

But, sir, to crown the whole, the Executive undertook to withdraw the authority of the United States, and to resign it into the hands of the California government, which was called into existence as I have described. And what is the consequence? So far as the Executive recognition can go, California is now a State, either in or out of the Union. Suppose we grant her application; so far as the Executive recognition can go, it appears that she is already a State; and, if that be so, how can she come into the Union constitutionally, unless she comes in as did Texas, by annexation—as an independent State, a State achieving its independence by a sort of bloodless revolution, and, having thus achieved it, acknowledged by the treaty-making power? And what is to result from that? Why, the loss to the United States of every foot of the public lands within her limits; and you cannot, if this be true, impose any conditions upon her in relation to those lands. But suppose she

were to withdraw her application to enter the Union, in what relation should we then stand to her? That portion of our Government which is mainly charged with our foreign relations has acknowledged her to be a State. So far as the admissions of that Department are concerned, our authority would be gone. We thus must admit new States formed out of our territory when the Executive says we shall, or we may run the risk of losing them altogether. Now I ask, not from any wish to apply harsh epithets to his conduct, but merely in a spirit of historical investigation, of truthful inquiry, if there could have been a more flagrant system of violation of the Constitution than that under which this State would be thus brought into the Union? Is it not obvious that, owing to this, they were constrained to adopt an anti-slavery constitution? Is it not obvious that, owing to the neglect of Congress to perform its duty in relation to that territory, and owing to the course of the Executive, that it was impossible that slavery should not be excluded, and that the South has not had a fair chance to enjoy and settle it? Now we are called upon to vote for a bill which proposes to include a State thus formed, and thereby to sanction all this usurpation, and say, as in effect we would by that vote, that the object of excluding slavery is so high and holy that it is above all the obligations of compact, and that its accomplishment justifies encroachments, usurpations, and invasions of the Constitution itself? Is not that the way in which the precedent will read hereafter? So it will stand upon the page of history; and can I be asked to vote to let in California under such circumstances? to let her in; whether as a part of this omnibus bill, or whether she comes in alone? I cannot; for I hold it to be my duty, not only by my speech, but by my vote, as far as I can, to retuke the acts of interference on the part of the Government, the effects of which have been as certainly to exclude the South from that territory as if the Wilmot Proviso had been passed in terms by Congress. And what is the inducement held out to me to vote to sanction such a wrong? We are told that we gain something in the other parts of the bill. First, however, we are told that we cannot help it; and that may be so. It may be that a majority have the power and the will to bring her in; but

let the wrong, if it be one, and I believe it is, rest on other shoulders; and not on mine. Do not ask me to sanction a system such as this. Do not ask me to give countenance and authority to a system of usurpation such as that to which I have been referring.

It cannot be said that the present condition of things in California constrains Congress to admit her as a State. On the contrary, if Congress should view this case as I do, and feel disposed to vindicate the Constitution of the United States, it might remand California to its territorial condition, and call a Convention of the people, in a regular and legal manner, and thus permit them to form a State, with suitable limits, and then admit her with or without slavery, according to the pleasure of her people. This would lead to but little practical convenience so far as I can see. It is impracticable, because it does no suit the pleasure of a majority here, who have the power and mean to admit her. Is it too much, then, to ask that those who profit by the wrong, and not those who suffer under it, should become responsible for it?

But we are told that there are other provisions of the bill by which we gain something—that it gives us territorial Governments in Utah and New Mexico, based on the model of the Clayton compromise. Yes, sir, it gives it to us after the North have had the start by two or three years in the opportunity to settle the country, and under circumstances which render it doubtful to the slaveholder whether he can carry his property there. Does any man suppose that under such a Government a slaveholder would carry his slaves there, unless, in addition to what is now contained in the bill, there was something done to quiet all questions as to his right so to do? It is true that there are many in the South who believe that the Mexican laws do not exist there, but will the owner of his property be content with that? Will he not inquire as to the opinion of the Senators from Kentucky, from Michigan, and from Massachusetts; and will he not see that the most distinguished of the advocates of this bill all maintain that those laws do exist and exclude slavery? He would hardly carry his property into a country where his title was to be exposed to the dangers of a lawsuit, when there is so much territory vacant in which his right to carry slaves is un-

disputed. So that, in all probability, the Southern slaveholders would never settle a foot of this territory. I do not believe, under the practical operation of this bill, we shall get a square inch of it, but that we shall lose all the country which we acquired by the war with Mexico. And I confess I feared, when this committee was formed, that the South would be required to give up and surrender this much; but I did not think that an attempt would also be made to take from her 120,000 square miles of Texas, to which I believe she is clearly entitled, in order to place it under the chance and risk of being converted into free soil. In other words, Mr. President, I feared that the South would be called upon to give up the coat which was in dispute, but I did not expect that she would be required to give up the cloak also. As it now stands it is the property of Texas, and under the dominion of pro-slavery laws, and if we take it away from her we at least run the risk of having the Wilmot Proviso applied to it. It is no comfort to me to know that twenty-five votes were recorded in favor of this proviso not long ago in this body, thirty constituting one-half of the whole number. It is no warrant for hope with me to know that nearly all the Northern States have instructed in favor of it, and that probably a large majority in the other house are for it, and are restrained with difficulty from applying it to a country where they are told slavery is excluded by Mexican law, and on account of natural causes, but who probably would insist on applying it to any portion of the territory ever said to belong to Texas. This feature of the bill, would, as it seems to me, lead to the most bitter and intense excitement hereafter. It is now easy for gentlemen to excuse themselves from voting the proviso as applied to the Territories, on account of the alleged existence of the Mexican law there, but it will then be said, here is a case for which you can give no such reason. Northern gentlemen will then be urged irresistibly or to their own destruction, to apply the proviso to that territory, while, on the contrary, the South will resist its application with the more vehemence to territory which has once been under the dominion of pro-slavery laws, than they would perhaps to any other portion of the domain of the United States.

But we are told in answer to this, that the

territory does not belong to Texas, and we are also assured that she will get more in this way than in any other. Sir, if the territory does belong to Texas, as I think has been conclusively shown by her Senators and Representatives, I do not know how it can be said that she will get more in this way than in any other, unless we are to suppose that there is a majority here who have the power and will to deprive Texas of her territory, whether she is entitled to it or not. And if this be so, why ask us to consult here, or to reason on the subject; for in that case it would be useless to show that the right was on the side of Texas, and that it is a duty and justice to her to acknowledge that right? I make no such presumption. I presume if it be shown that the territory belongs to Texas, it will be declared to belong to her by Congress, and she will be protected in its enjoyment. Now, that the territory does belong to Texas, I think we are precluded from denying by our own acts—precluded by the opinion of our own courts, and precluded also, I was about to say, in the opinion of every honest man—I will not say that, however, because I know there is a difference of opinion on that subject between honest and able men on this floor—but I believe, when the heat of the moment and excitement of the day shall have passed away, no man will look on the page of American history which records the fact that we disputed the title of Texas under existing circumstances without a sentiment of regret, or it may be a pang of shame, that the truth required it to be told that in a misguided moment we had been betrayed into such an error.

I do not go into that old question of what were the boundaries of New Mexico before the revolution in Texas. I hold that to be an immaterial issue. Yet I believe it can be shown that at the time of the war, or of the declaration of independence by Texas, that the boundaries of New Mexico did not run down so low as the Senator from Missouri seems to think. I believe it can be shown upon the authority of Muhlenfordt, next to that of Humboldt, and in some respects better than that of Humboldt, because more recent, that the boundaries of New Mexico did not extend below the parallel of 31° of north latitude. But I hold all that train of inquiry as relating to an

immaterial issue. We are now bound by our own acts, in which we have acknowledged the right of Texas to all the territory east of the Rio Grande, from its mouth to its source. We took Texas with this claim. Our ministers were instructed to maintain this claim, and Mr. Buchanan so instructed Mr. Trist. The United States Government, by its Convention in 1838, with Texas, acknowledged its title to what it claimed by recognizing so much of that claim as related to the former western boundary between herself and Mexico. She received Texas into the Union with a known and declared claim to the whole of the Rio Grande as her western limit, and from that moment became bound to relinquish that territory to Texas in the event that she should make it good against Mexico. She was thus bound, because she then became the agent through whom alone the rights and claims of Texas could be maintained against a foreign power. Our President, Mr. Polk, in reply to the Governor of Texas, acknowledged the right of Texas to the country, and excused his military possession on account of the necessities of war. A map was made a part of the treaty of peace with Mexico, and that map recognized the Rio Grande as the western boundary of Texas. In every way in which it could be done, the title of Texas has been recognized by our Government. Especially did this Government recognize it in the declaration of war with Mexico. We justified that war upon the ground that Texas had claimed, and justly claimed, this territory on the Rio Grande. It was said that American blood had been shed upon American soil; and if it was, then Texas had as good a claim at the source of the Rio Grande as at the mouth. It is true, she did not enjoy the actual possession, the "*pedis positio*," anywhere along that line, but it was upon her claim to this that we justified the war with Mexico. And can we turn about now, and set up the claim of Mexico against Texas? Can we acknowledge before the world that we entered into this war without good cause, and attempted to justify it by a falsehood? Can we thus recall our own admissions, our own recorded acknowledgments of the title of Texas, in the hope of gaining some advantage by it? What has our own Supreme Court decided in a similar instance? What

is the dictum of Judge Marshall in relation to this very question? He says in the case of *Porter & Elam vs. Neilson*, 2 Peters, 309:

"After these acts of sovereign power over the territory in dispute, asserting the American construction of the treaty by which the Government claims it, to maintain the opposite construction in its own courts would certainly be an anomaly in the history and practice of nations. If those departments which are entrusted with the foreign intercourse of the nation, which assert and maintain its interest against foreign Powers, have unequivocally asserted its right of dominion over a country of which it is in possession, and which it claims under a treaty; if the Legislature has acted on the construction thus asserted, it is not in its courts that this construction is to be denied."

But, sir, it is said that the United States is not to be precluded, on account of being the agent in making this acquisition for Texas, because it is the agent for the other States also, and Texas would thus get a larger share than she was entitled to. It is to be remembered that if Texas gets more than other States, she risked more. Mexico claimed the whole of Texas to the Sabine. Suppose the cases had been reversed—that Mexico had been strong and we weak, and we had gone into such a quarrel. It might have resulted that Texas would have lost all. And if, on the other hand, Texas having staked more, she gains more, is it not a fair compensation for that risk?

But I hold that we are precluded by our own acts from disputing the authority of Texas now; and I hold that it is always the wisest and the best course, where there is a dispute as to boundary between this Government and a State, unless the case be one of flagrant wrong, for the Government to yield to the State; for there is no common arbiter between them, and I protest against the doctrine that the Supreme Court can try a title between a sovereign State and the Confederacy. There is no common arbiter, and no way to settle it except by some mode agreed upon between the parties. It would be far wiser and more prudent, in such instances, for the United States to yield and give up the territory. But, sir, in this case the United States is forced by her own avowals, by her own commitments, to admit the right of Texas, and how would she stand on the page of history if she were to be presented as in one breath disputing the title of Texas, huckstering to lower her demands, and then offering money to purchase this title? Sir, such a precedent as that would have an unseemly appearance upon the records of a great nation. But we are told that the people there are reluctant to live under the government of Texas, and that we should have difficulties from that source. There is more than one mode

of escaping that difficulty, without ceding away one hundred and twenty thousand square miles of land belonging to Texas. But is there in point of fact, any reason to believe that the people would not be satisfied under the government of Texas? If it had been asserted by every body, in all the departments of the Governments, that the title of Texas was good, is there not sufficient reason to suppose that the people would have been reconciled to it. There may have been, perhaps, some ambitious aspirants for office there, who wished either to sustain themselves in, or to secure office who would have been dissatisfied; but I believe the main body of the people would have been contented. Now, it seems to me there are two ways of settling this question without the opposition of the inhabitants. In one way the South will retain the power and importance to which it is entitled, if slave States are made out of the whole of Texas; in the other mode they may, and perhaps will lose this opportunity for increasing their political importance. I believe that the territory of Texas furnishes the only means by which the South can probably increase in political power, and I believe she is bound by every consideration of prudence, of self protection, and self-defence, to hold on to all the political power she has. In the other way it is to be settled, and settled peaceably, I acknowledge, but by taking from the South this and the only chance which she has for increasing her weight in the Confederacy.

But, Mr. President, we are told the South ought to take this because it is the best thing they can do, because it affords at least the chance of escaping insult. I say, with respect to that argument, that it would apply as well to the Wilmot proviso as to this or any other measure, because it implies that we are to submit whenever a measure is desired by the majority who have the power. But they are not content that the measure should be passed by those who alone take its benefits; we must aid in its passage, although we take nothing by the bill; because, otherwise, the plan called the Executive plan might be carried into execution. In my opinion, both plans are wrong. According to both, you admit California as a State with the limits which she claims, and thus offer a great outrage to the South. According to both plans you escape the insult of the Wilmot proviso but the Executive plan has the greater merit of proposing no transfer of territory from the jurisdiction of Texas. There is, however, a great and decisive difference between them, so far as I am concerned. If the Executive plan goes into operation, it does so against my vote; but for the plan of the committee I am asked to vote and become responsible. I am thus asked to aid in establishing the precedent by which the South, in my opinion, is to be so much injured.

and thus give my bond not only to make no complaint of this injustice which is done me, but to submit for the future to any similar violation of my rights. Sir, I cannot do it; there is no difference between them which would justify me in voting for either. I am against both; I will institute no comparison between them. Sir, I recollect that old Hollinshed, speaking of the Low Countries, says that, between the Spanish Government and the Popish Inquisition, they were like spice between the pestle and the mortar. I think that, between the plan of the Committee of Thirteen and that of the Executive, the South may truly be said to be like spice between the pestle and the mortar; for, between the action of the one and the non-action of the other, it is likely to be ground into dust and powder.

If I have been right in my examination of the arguments in favor of this bill, there is but little left of them except the appeal to the friends of peace to pass it as a measure of peace. As I said before, I see no hope for peace from the passage of any such measure; it reverses the order in which we should proceed to attain that object; it proposes to put an end to the contest by making the weak weaker and the strong stronger. If it be the purpose to obtain peace by forcing the weak to surrender unconditionally to the strong, then, sir, this is the method; but if we mean to preserve not only the peace of the confederacy, but the rights of all who compose it, then we ought to strengthen the weak and weaken the strong, so far at least as this contest is concerned.

Mr. President, I believe it is useless to give rights under any system of government unless you also give power to defend them. If the interest is small, the temptation to attack is small, and it requires but little to defend it; but if the interest be great, then the reverse of all this is true. Every interest, great or small, in a government, ought if possible to be guarded by power enough to enable it to afford as strong temptations to leave it at peace as can be furnished by any motive for attacking it. No man can weigh or measure these things with mathematical precision; but, sir, I think I hazard nothing, in the judgment of any impartial person, in saying that the power of the South ought to be increased and not diminished at the present period of our existence. I do not say that an actual equilibrium between the power of the free and the slave States is necessary to secure the continuance and harmony of the Union. I do not ask for any change of the Constitution; but I do express the opinion that it would be better for all parties, for the peace and the happiness of the whole, if somewhere in our Government there was an equilibrium of power between these great antagonist interests of our social system. It, whilst I believe this would be better, I do

not say that it is necessary, but I do think that it is essential for the happiness and perhaps the union of the States that all the constitutional avenues to political power should be kept open to the South, and that any accession of strength to her would be a positive benefit to the interests of peace and union. I have no hope of convincing any Northern man of the truth of this opinion; perhaps neither he nor I could recognize the other as an impartial judge upon this question; and yet such, I think, would be my conviction if I were a Northern man. I do believe that whatever increases the strength of the South, whether by positive additions of power through constitutional means, or done by party organization, is so much gained for the cause of peace and union, and those who desire to pursue those ends should encourage and not discredit the efforts which are made to unite Southern votes and efforts in the defence of Southern rights. Give her in some mode the power to protect herself, and if we cannot always keep the peace we may long continue to prevent mischief.

Mr. President, I have no hope or belief that we can do any thing here which will keep down all agitation upon this disturbing question. This results from the contests between the two great antagonist elements of our social system, the slaveholding and non-slaveholding interests. Here are the forces whose opposition results from the nature of our system, and that opposition developed itself at the formation of our Government. Like the Hebrew twins, they came into the world with the heel of the one in the hand of the other, as an emblem and omen of the perpetual strife which was to exist between them. These, sir, are contests which we cannot effectually quiet; heats, collisions will grow out of them; but if we were wise, we might prevent very serious mischiefs to which they may lead. This would be effected by increasing the *vis medicatrix naturæ*, the self-restoring principle of the system, which, after all, must depend upon a proper distribution of power between the parts. What rational fear can exist to justify an opposition to permitting the South to enjoy whatever addition of political power may be open to her through constitutional means? That the non-slaveholding States now possess the larger share of power, and must continue to increase their relative proportion, is manifest to all. If the interests of peace and union would be increased by adding something to the strength of the weaker party, why should not every American who is friendly to those objects be willing to use the means necessary for that purpose? What is there in the political, industrial, or social position of the South to justify any opposition to her possession of a fair share of power in our political system? That her political action has been conservative hitherto, is at-

tested, I think, by the whole course of our past history. In an industrial point of view, she undoubtedly possesses the largest single producing interest of the Union. In the product of cotton she stands without a rival; and upon that product depend the subsistence and employment of almost as many persons out of the slave States as within them. Is it not a matter of deep interest to the Northern capitalists and manufacturers, the Northern ship-owners, mariners, and merchants—nay, to the whole world, that this vast productions should be protected from assaults, and permitted to proceed in peace? And what is there in the social condition of the South to justify a fear on the part of any man at the idea of allowing that population a fair share of political power? In what other portion of the Union do we find a rural population so complete in all the elements of strength and allegiance? And does not history teach that a country population is the safest depository of political power? I do not profess to know much of Northern habits, or the structure of Northern society, but I am told that the man who wins wealth or station there removes to the town to enjoy it. In the South the reverse is the case; the man who wins wealth there will buy a farm if he can, and move to the country to enjoy it. The North grows far more relatively in the town, and the South in the country population. The one represents, perhaps, more of the elements of progress, and possesses a more energetic social organization, but the other has more of stability, and moves with a firmer and more assured strength. Both elements are necessary to complete the structure of society, and neither should despise the other.

Mr. President, I have been at pains to point out what seemed to me the true path to public peace and social prosperity, because I fear that every step which we take in the direction of what is called the compromise bill, is a departure from the road to quiet and safety. What sort of a compromise is that which a majority of the stronger party—I mean the North—vote against and repudiate? How can it bind them? Whom amongst the agitators upon this question are we to conciliate by the adoption of such a measure? The first class of agitators is composed of those who believe that slavery is a sin which they owe to earth and heaven to eradicate. They hold this (some of them) to be a duty higher than the obligations of constitutions or compacts, and agitate every where, through the press, the church, public assemblies of every description, to make the institution odious, dangerous, disagreeable, detestable. Others amongst them admit the obligations of the Constitution, but search for every opening through which they may discharge their weapons at the institution upon which they are warring. These constitute a large and formidable body. Will they be induced to desist from their purposes by the pas-

sage of such a bill as this? On the contrary, will they not be stimulated by success, and regard this as a cheap and easy victory? Will they not say “behold what we have already accomplished, and how much success attend us? The South no longer dares to demand the Missouri compromise; she dares not insist upon a division of the territory, but abandons it all to escape the insult of a restriction which her surrender makes unnecessary. Our anti-slavery petitions are no longer denied a consideration in Congress; they are not only received, but are producing their fruits. Already is Congress acting upon the subject of the slave-trade in the District of Columbia. Have we not already met with success enough in our past efforts to stimulate us for the future?”

But there is another class of agitators upon this subject. They may be denominated as camp followers of the first; they consist of men who understand the power of a third party, organized upon an idea stronger than the ties of parties, merely political. They attach themselves to it to obtain its aid in advancing themselves in the church, in society, and in the State. Will any of these be deterred from an agitation hostile to slavery by the adoption of this scheme? Surely not.

But there is yet a third class of agitators, more numerous and occasionally more dangerous than both of the others. I mean those who agitate for political purposes, without any particular feeling upon the subject of slavery, either the one way or the other. But they represent what may be called the capitalist interest in society, and they regard the Southern power as hostile to their schemes. The Southern proprietor represents labor, and it is his interest that the wages of labor should be high. In all the wars between labor and capital he is therefore the defender of the former. Upon the subject of banks, tariffs, and in all the schemes by which Government is invoked to give capital an indirect advantage over labor, Southern influence has been felt, and often fatally felt, by the former. For this reason the Northern capitalist has shown himself hostile to every increase of political weight in the Confederacy on the part of the South. Upon that question he is consistent and undeviating. He never fails to oppose any measure which could increase in the least degree the relative power of the South in the Confederacy, because he regards that power as hostile to him. Upon the mere subject of slavery, his agitation is occasional and not steady. He agitates for other purposes, and not from any hostility to the institution. He will agitate whenever there is a question of extending Southern power to get up a feeling at home which otherwise might not be directed against such an extension. He also agitates sometimes for the same reason which used to induce France, when at war with the English, to stir up their Scotch

neighbors, to produce a division at home. If Southern influence is about to become dangerous to his schemes of protection or assistance, he is then willing to give them trouble at home, to alarm them if possible so deeply as to deter them from attending to his measures, or to prevent them from opposing him to get peace at home. Upon this subject, sir, history has something to say. It was not until it became evident that the protective system was reeling under the blows of the South, driven as it was almost to madness and desperation, that the anti-slavery war assumed its most dangerous form. If the tariff was to fall before Southern agitation, then slavery, the great Southern interest, must totter under Northern agitation, and upon that institution blow after blow has fallen, until we have reached our present condition.

How often have we heard certain Northern Senators adverting in bitterness of spirit to the fact that the votes of the Texan Senators passed the tariff act of 1846? Who does not see that this feeling has much to do with the determination to exclude the South from every foot of territory acquired from Mexico? Sir, we have already heard more than obscure intimations that the true grounds of compromises were between the slavery and protection interests. But the Senator from Massachusetts, in speaking of the ambitious spirit of the cotton interest, forgot to say that there were two classes of the cotton interest, the one in the free, the other in the slave States, with opposite views, in some respects, and the former, as I think, far more aggressive than the latter. If Mississippi has her cotton planter and slave owner. Massachusetts has her cotton lord, whose capital is engaged in manufacturing that fabric; operatives depending upon that employment for subsistence, and ships, and mariners, and merchants largely engaged in the transportation and exchanges of that raw material and its fabrics. But, as I said before, the cotton interest North has in some respects different views from the cotton interest South. The first desire to make slave labor low, and cotton abundant and cheap; the latter desire to make their labor high, and to raise the price of cotton. The former wish to confine all the slave labor, therefore, to the cotton lands; the latter have a deep interest in extending it to other employments, and over a larger surface. In this difference of feeling and interest is to be found, perhaps, one of the bitterest elements in the present strife. If slave labor had been permitted to be employed in California, there is every reason to believe that it would have gone there to a great extent. We have the evidence of a member of their convention, quoted by my colleague, who measured the value of a year's labor of a slave in thousands of dollars.

We know too, that in all times mining seems to have been the employment peculiarly fitted for slaves. It was carried on by Indian slaves

before the Spaniards came, and it was to relieve them that African slavery was introduced. So soon as the mines had fallen into private hands, slaves would have been employed in them, had the Government permitted it. They would have gone, probably, in great numbers from Maryland, Virginia, and North Carolina. Why should any Northern philanthropist object to it? Was it not better, if slavery was such an evil, to relieve the old States from it, and send it to vacant territory? In that point of view, yes, but in another far worse. It would have raised the price of slaves, of slave labor, and of cotton. It would have diverted a great deal of that sort of labor from the production of cotton. The general belief is, whether correct or not I do not say, that slaves will leave the grain-producing States in the course of time. To concentrate them in the cotton States must, for a long time, be regarded as a valuable object to those who desire to see cotton abundant and cheap. Now, unless this bill should give these persons all the territory, and all the power in dispute, how is its passage to satisfy them? And if those are the terms on which alone they can be quieted, how is the South to be satisfied by it? Mr. President, I acknowledge that this class of agitators sometimes pause in their work; I own that it would give a period of comparative quiet if they could be detached from the others, and that the war is fiercest and most dangerous when all of these forces are united. But, sir, I do not believe that this bill, much as it concedes to them, would satisfy them; they have further purposes in view, and will go on until they either reduce the South to unconditional submission, or find that it is impossible to do so.

I fear, sir, that this bill, instead of opposing new obstacles to the march of the aggressive spirit which wars upon the institutions of the South, is removing from its way some of those which already exist. I have indicated what I believe to be the path of peace, not from any hope that it would be pursued, but because I believe it due to the truth to do so. I know, sir, that what I have said will have no effect in turning the purpose which is formed. I shall probably be denounced, as others have been, for even looking too closely in the face a proposition which bore the name of compromise. To such denunciations I am generally almost indifferent. I know for what purposes, and by whom, a war of epithets is usually waged. The very declaration of such a war, in the general, is evidence either that the weapons of reason are few in the armory of those who wage it, or else that the arm is wanting which is strong enough to draw the bow of Ulysses. But, averse as I am to notice such idle missiles in the general, yet upon the present occasion, when the public mind is so sensitive, it is possible that there may be persons who are distrustful, and ought to be relieved upon this subject. So far as I am concerned, I

am unwilling that any honest man, or sensitive woman, or inquiring child, should believe that I was capable of conceiving any purpose against this Union, and would not make any reasonable sacrifice to maintain it. I believe, Mr. President, that I have voted for everything which bore the semblance of a fair compromise, upon the subject of slavery, since I have been in Congress. I voted for the Clayton Compromise; I voted for the scheme offered by the Senator from Wisconsin; I have voted for the Missouri Compromise; I would vote for it now, if offered according to its true spirit and effect. I do not vote for this scheme, sir, because I do not regard it as a compromise; I look upon it as a surrender on the part of the South. I do not believe that it would either give peace or do justice. I am called upon to vote for the admission of California, with an anti-slavery constitution, which was not the result, as I believe, of natural causes, or the spontaneous movement of her people, but of the action, direct and indirect, of the General Government, which has at last reached this end, through more than one breach in the constitution which gave it being. With these opinions, how can I vote for such a bill? How could I do it with a decent degree of respect to the resolutions of my State? What is the meaning of the denunciation of the Wilmot Proviso, and "kindred measures," if such a course of measures as brought California here petitioning to be received as a State is not to be included in that denunciation? But I will not repeat my objections to the measure.

Mr. President, I have not been loud in my professions of attachment to this Union, because I was not aware that I had done any thing to bring that attachment into question. I have had also another reason for this forbearance; I have thought, sometimes, that these professions were used to cover and cloak unworthy submissions to power and improper surrenders of right, and I did not choose to incur such a suspicion. But, at the same time, I believe I have shown by my past course that I would do any thing reasonable and proper to preserve it. I believe my present course tends to produce the same result; for I am defending not only what I deem to be the just rights of the South, but the Constitution of the United States, as I understand that instrument. And if the time shall ever come when it shall be treason to the Union to demand justice for the South, then the days of this Union will be numbered. On the contrary, I believe I strengthen it by what I do to promote justice, and to sustain and defend the Constitution.

Sir, I have not been in the habit of considering the Union as in danger. I have looked upon disunion as a thing scarcely possible to occur. It may have been a superstition, but it has seemed to me that there was so much of human destiny, so much of human hope stake upon this experi-

ment of ours, that I could not believe the kind Providence whose sustaining hand has been so manifest in our past history, would permit it to fail. Sir, we have already achieved so much, that our growth and success must be accounted as a marvel, and almost a mystery; for known causes will scarcely account for it. And still our progress is forward and onward, stimulated by every motive which can awaken hope or fire enthusiasm in the human breast. Vast associated interests march together in that grand procession, and these interests contain all the elements of human grandeur and prosperity. The bonds of brotherly love are not yet broken; the cords of kindly feeling have not fretted asunder. We have our traditions, too—traditions of trial and of glory, to which we cling with pride and with fondness. They do not extend, like those of older nations, into the remoter regions of fable or of old, but they already begin to grow faint in the distance, and shed their dim religious light upon the path over which we have passed. When we looked to the future, to the prospect before us, the imagination pauses to measure its strength for the flight which is before it.

Mr. President, what more enviable position can any man occupy than one from which he may look backward with so much of pride, and forward with so much of hope? Is it to be supposed that any sane man would wantonly sacrifice it or abandon it, except under a sense of the sternest necessity? But, sir, we will sacrifice it inevitably, if we forget that the order and peace of this grand possession depend upon the mutual affections of its members; that these mutual affections depend upon justice and fair dealing to each other; and the bond of our peace is broken, the covenant of our liberties dissolved, and the chart of our progress destroyed, when we set aside the Constitution of the United States. That man ought not to be rebuked who steps forward to defend this instrument, with even a too eager zeal, for his is a pious work, a holy zeal, and, if erring, he errs on the right side. Such a man deserves the respect of every honest man, and of every lover of well-regulated liberty. It is to defend this sacred instrument in my poor way that I stand here to-day. I should be insensible to the highest duty of patriotism if I were unwilling to fall here tomorrow, if by so doing I could perpetuate this covenant to my countrymen, not in its letter merely, but in its spirit and truth. Sir, I will stand by the Constitution, by the Union which is prescribed in that Constitution, but I cannot vote for this bill upon any considerations which as yet have been presented to me.

Mr. President, the Senator from Massachusetts admonished us the other day that the fate of this bill might be in the hands of the South; and he seemed to think that we were incurring a deep responsibility, and running the hazard of

bill, it is demanded of us why we do not come forward and sustain it? If it be true that this bill does give up every thing that we contend for in relation to these Territories, are we not more deeply wounded in being asked thus to inflict an injury upon ourselves, and to participate in the perpetration of a wrong upon our own section, than if another, strong in his superior force or power, wantonly offers us an insult.

Sir, so far as insult is concerned, if that bill is to have the effect in regard to the South which I believe it will have, I do not see how we can escape from insult by sustaining it. If the North is to have the benefit, then let the North pass the bill by her own votes.

But the Senator from Massachusetts says we ought to be cautious how we act, because we are in a strange company, in company with men with whom we have never acted before. Sir, when I hear his speeches, and the speeches of some to whom he refers, I must own that I much reprobate, if we did not come forward and sustain it. Sir, I ask why should the South sustain it more than the North? The North has a majority of votes upon this floor. And has the North no interest in peace and union? Are these considerations only for the South? Why, then, when this bill gives every thing to the North, does not the North come forward and vote for it? Why ask us to support a bill in which the North gets every thing, as the Senator from Massachusetts distinctly asserts? Why ask us to help to establish a precedent by which our rights are sacrificed, and thus give our bond, by aiding the work, to make no complaint of this outrage, or of any similar wrong which may be inflicted on us hereafter?

Sir, if you take the most distinguished advocates of this bill, they all tell you the same story. Ask the Senator from Kentucky if he believes, after this bill passes, that you can carry a slave into these Territories, and he will tell you "no." Ask the Senator from Michigan, ask the Senator from Massachusetts, and they will both reply in the same language. And yet, in the very breath in which this exposition is given of the

would rather be found in his company than theirs. But when we come to action, and I find them aiding the South to defeat a bill by which, according to the Senator's own admission, she loses all chance for the territory in dispute, whilst he is doing his best to pass it, I am constrained by a sense of justice to admit that when we come to deeds their company is better than his. I believe, sir, the case is one put in the Scripture of the two men, one of whom said he would do it, but did it not, whilst the other said he would not do it, but did it; and the Scripture judgment I think is in favor of the deed and against the word. But by way of relieving the Senator from Massachusetts of all apprehension as to any permanent association of this oddly assorted company, I beg leave to assure him that we have never met together in caucus yet, nor have we adopted a common seal. If he wishes, however, to see the association broken up, and the old work of opposition going on between us, let him defeat the bill, and he will then not only gratify these desires, but himself have the pleasure of that company which he so much grudges us.

But, sir, is this a proper manner in which to treat so grave and important a subject as that which we are now considering? Do we stop on such an occasion to enquire who is voting with us and who against us? No, sir; no. There are higher questions involved than that of those with whom we are acting to-day or shall act to-morrow, higher questions than those of the popularity or position of this or of that man. Upon these questions depend the peace, the happiness—I will not say the union—of the country. Sir, peace and happiness are stakes high enough to enlist the attention of every statesman. They are objects which should induce us all to pause before we act, and to consider what mighty consequences may follow from a mistaken course. Sir, I believe in my conscience that, if this bill were to pass, it would be the worst movement and the worst augury, so far as this Union is concerned, that I have ever seen since I have been engaged in public life.